

108TH CONGRESS  
1ST SESSION

# S. 1522

To provide new human capital flexibilities with respect to the GAO, and  
for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JULY 31 (legislative day, JULY 21), 2003

Mr. VOINOVICH (for himself and Ms. COLLINS) introduced the following bill;  
which was read twice and referred to the Committee on Governmental Affairs

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## A BILL

To provide new human capital flexibilities with respect to  
the GAO, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE; AMENDMENT OF TITLE 31.**

4       (a) SHORT TITLE.—This Act may be cited as the  
5       “GAO Human Capital Reform Act of 2003”.

6       (b) AMENDMENT OF TITLE 31.—Except as otherwise  
7       expressly provided, whenever in this Act an amendment  
8       is expressed in terms of an amendment to a section or  
9       other provision, the reference shall be considered to be

1 made to a section or other provision of title 31, United  
2 States Code.

3 **SEC. 2. AMENDMENTS TO PUBLIC LAW 106–303.**

4 Sections 1 and 2 of Public Law 106–303 (5 U.S.C.  
5 8336 note and 5597 note) are amended by striking “for  
6 purposes of the period beginning on the date of enactment  
7 of this Act and ending on December 31, 2003” each place  
8 it appears and inserting “October 13, 2000”.

9 **SEC. 3. ANNUAL PAY ADJUSTMENTS.**

10 (a) OFFICERS AND EMPLOYEES GENERALLY.—Para-  
11 graph (3) of section 732(e) is amended to read as follows:

12 “(3) except as provided under section  
13 733(a)(3)(B) of this title, basic pay rates of officers  
14 and employees of the Office shall be adjusted annu-  
15 ally to such extent as the Comptroller General shall  
16 determine, taking into consideration—

17 “(A) the principle that there be equal pay  
18 for substantially equal work within each local  
19 pay area;

20 “(B) the Consumer Price Index;

21 “(C) any existing pay disparities between  
22 officers and employees of the Office and non-  
23 Federal employees in each local pay area;

24 “(D) the pay rates for the same levels of  
25 work for officers and employees of the Office

1 and non-Federal employees in each local pay  
2 area;

3 “(E) the appropriate distribution of agency  
4 funds between annual adjustments under this  
5 section and performance-based compensation;  
6 and

7 “(F) such other criteria as the Comptroller  
8 General considers appropriate, including, but  
9 not limited to, the funding level for the Office,  
10 amounts allocated for performance-based com-  
11 pensation, and the extent to which the Office is  
12 succeeding in fulfilling its mission and accom-  
13 plishing its strategic plan;

14 notwithstanding any other provision of this para-  
15 graph, an adjustment under this paragraph shall not  
16 be applied in the case of any officer or employee  
17 whose performance is not at a satisfactory level, as  
18 determined by the Comptroller General for purposes  
19 of such adjustment;”.

20 (b) OFFICERS AND EMPLOYEES IN THE OFFICE SEN-  
21 IOR EXECUTIVE SERVICE.—Subparagraph (B) of section  
22 733(a)(3) is amended to read as follows:

23 “(B) adjusted annually by the Comptroller  
24 General after taking into consideration the fac-  
25 tors listed under section 732(c)(3) of this title,

1           except that an adjustment under this subpara-  
 2           graph shall not be applied in the case of any of-  
 3           ficer or employee whose performance is not at  
 4           a satisfactory level, as determined by the Comp-  
 5           troller General for purposes of such adjust-  
 6           ment;”.

7           (c) CONFORMING AMENDMENT.—Section 732(b)(6)  
 8 is amended by striking “title 5.” and inserting “title 5,  
 9 except as provided under subsection (c)(3) of this section  
 10 and section 733(a)(3)(B) of this title.”.

11 **SEC. 4. PAY RETENTION.**

12           Paragraph (5) of section 732(c) is amended to read  
 13 as follows:

14           “(5) the Comptroller General shall prescribe  
 15 regulations under which an officer or employee of  
 16 the Office shall be entitled to pay retention if, as a  
 17 result of any reduction-in-force or other workforce  
 18 adjustment procedure, position reclassification, or  
 19 other appropriate circumstances as determined by  
 20 the Comptroller General, such officer or employee is  
 21 placed in or holds a position in a lower grade or  
 22 band with a maximum rate of basic pay that is less  
 23 than the rate of basic pay payable to the officer or  
 24 employee immediately before the reduction in grade  
 25 or band; such regulations—

1           “(A) shall provide that the officer or em-  
2           ployee shall be entitled to continue receiving the  
3           rate of basic pay that was payable to the officer  
4           or employee immediately before the reduction in  
5           grade or band until such time as the retained  
6           rate becomes less than the maximum rate for  
7           the grade or band of the position held by such  
8           officer or employee; and

9           “(B) shall include provisions relating to  
10          the minimum period of time for which an offi-  
11          cer or employee must have served or for which  
12          the position must have been classified at the  
13          higher grade or band in order for pay retention  
14          to apply, the events that terminate the right to  
15          pay retention (apart from the one described in  
16          subparagraph (A)), and exclusions based on the  
17          nature of an appointment; in prescribing regu-  
18          lations under this subparagraph, the Comp-  
19          troller General shall be guided by the provisions  
20          of sections 5362 and 5363 of title 5.”.

21 **SEC. 5. RELOCATION BENEFITS.**

22          Section 731 is amended by adding after subsection  
23 (e) the following:

24          “(f) The Comptroller General shall prescribe regula-  
25 tions under which officers and employees of the Office

1 may, in appropriate circumstances, be reimbursed for any  
 2 relocation expenses under subchapter II of chapter 57 of  
 3 title 5 for which they would not otherwise be eligible, but  
 4 only if the Comptroller General determines that the trans-  
 5 fer giving rise to such relocation is of sufficient benefit  
 6 or value to the Office to justify such reimbursement.”.

7 **SEC. 6. INCREASED ANNUAL LEAVE FOR KEY EMPLOYEES.**

8 Section 731 is amended by adding after subsection  
 9 (f) (as added by section 5 of this Act) the following:

10 “(g) The Comptroller General shall prescribe regula-  
 11 tions under which key officers and employees of the Office  
 12 who have less than 3 years of service may accrue leave  
 13 in accordance with section 6303(a)(2) of title 5, in those  
 14 circumstances in which the Comptroller General has deter-  
 15 mined such increased annual leave is appropriate for the  
 16 recruitment or retention of such officers and employees.  
 17 Such regulations shall define key officers and employees  
 18 and set forth the factors in determining which officers and  
 19 employees should be allowed to accrue leave in accordance  
 20 with this subsection.”.

21 **SEC. 7. EXECUTIVE EXCHANGE PROGRAM.**

22 Section 731 is amended by adding after subsection  
 23 (g) (as added by section 6 of this Act) the following:

24 “(h) The Comptroller General may by regulation es-  
 25 tablish an executive exchange program under which offi-

1 cers and employees of the Office in high-grade, manage-  
 2 rial, or supervisory positions may be assigned to private  
 3 sector organizations, and employees of private sector orga-  
 4 nizations may be assigned to the Office, for work of mu-  
 5 tual concern and benefit. Regulations to carry out any  
 6 such program—

7 “(1) shall include provisions which define high-  
 8 grade, managerial, or supervisory positions, and pro-  
 9 visions (consistent with sections 3702 through 3704  
 10 of title 5) as to matters concerning—

11 “(A) the duration and termination of as-  
 12 signments;

13 “(B) reimbursements; and

14 “(C) status, entitlements, benefits, and ob-  
 15 ligations of program participants; and

16 “(2) shall limit—

17 “(A) the number of officers and employees  
 18 who are assigned to private sector organizations  
 19 at any one time to not more than 30; and

20 “(B) the number of employees from private  
 21 sector organizations who are assigned to the Of-  
 22 fice at any one time to not more than 30.”.

1 **SEC. 8. REDESIGNATION.**

2 (a) IN GENERAL.—The General Accounting Office is  
3 hereby redesignated the Government Accountability Of-  
4 fice.

5 (b) REFERENCES.—Any reference to the General Ac-  
6 counting Office in any law, rule, regulation, certificate, di-  
7 rective, instruction, or other official paper in force on the  
8 date of enactment of this Act shall be considered to refer  
9 and apply to the Government Accountability Office.

10 **SEC. 9. REPORTING REQUIREMENTS.**

11 (a) ANNUAL REPORTS.—The Comptroller General  
12 shall include—

13 (1) in each report submitted to Congress under  
14 section 719(a) of title 31, United States Code, dur-  
15 ing the 5-year period beginning on the date of enact-  
16 ment of this Act, a summary review of all actions  
17 taken under sections 2, 3, 4, 6, and 7 of this Act  
18 during the period covered by such report, includ-  
19 ing—

20 (A) the respective numbers of officers and  
21 employees—

22 (i) separating from the service under  
23 section 2 of this Act;

24 (ii) receiving pay retention under sec-  
25 tion 4 of this Act;



1 (iii) receiving increased annual leave  
2 under section 6 of this Act; and

3 (iv) engaging in the executive ex-  
4 change program under section 7 of this  
5 Act, as well as the number of private sec-  
6 tor employees participating in such pro-  
7 gram and a review of the general nature of  
8 the work performed by the individuals par-  
9 ticipating in such program;

10 (B) a review of all actions taken to formu-  
11 late the appropriate methodologies to implement  
12 the pay adjustments provided for under section  
13 3 of this Act, except that nothing under this  
14 subparagraph shall be required if no changes  
15 are made in any such methodology during the  
16 period covered by such report; and

17 (C) an assessment of the role of sections 2,  
18 3, 4, 6, and 7 of this Act in contributing to the  
19 Office's ability to carry out its mission, meet its  
20 performance goals, and fulfill its strategic plan;  
21 and

22 (2) in each report submitted to Congress under  
23 such section 719(a) after the effective date of sec-  
24 tion 3 of this Act and before the close of the 5 year  
25 period referred to in paragraph (1)—

1           (A) a detailed description of the meth-  
2           odologies applied under section 3 of this Act  
3           and the manner in which such methodologies  
4           were applied to determine the appropriate an-  
5           nual pay adjustments for officers and employees  
6           of the Office;

7           (B) the amount of the annual pay adjust-  
8           ments afforded to officers and employees of the  
9           Office under section 3 of this Act; and

10          (C) a description of any extraordinary eco-  
11          nomic conditions or serious budget constraints  
12          which had a significant impact on the deter-  
13          mination of the annual pay adjustments for of-  
14          ficers and employees of the Office.

15          (b) FINAL REPORT.—Not later than 6 years after the  
16          date of enactment of this Act, the Comptroller General  
17          shall submit to Congress a report concerning the imple-  
18          mentation of this Act. Such report shall include—

19               (1) a summary of the information included in  
20               the annual reports required under subsection (a);

21               (2) recommendations for any legislative changes  
22               to section 2, 3, 4, 6, or 7 of this Act; and

23               (3) any assessment furnished by the General  
24               Accounting Office Personnel Appeals Board or any  
25               interested groups or associations representing offi-

1       cers and employees of the Office for inclusion in  
2       such report.

3       (c) **ADDITIONAL REPORTING.**—Notwithstanding any  
4       other provision of this section, the reporting requirement  
5       under subsection (a)(2)(C) shall apply in the case any re-  
6       port submitted under section 719(a) of title 31, United  
7       States Code, whether during the 5-year period beginning  
8       on the date of enactment of this Act (as required by sub-  
9       section (a)) or at any time thereafter.

10   **SEC. 10. EFFECTIVE DATES.**

11       (a) **IN GENERAL.**—Except as provided in subsection  
12       (b), this Act and the amendments made by this Act shall  
13       take effect on the date of enactment of this Act.

14       (b) **PAY ADJUSTMENTS.**—

15           (1) **IN GENERAL.**—Section 3 of this Act and  
16       the amendments made by that section shall take ef-  
17       fect on October 1, 2005, and shall apply in the case  
18       of any annual pay adjustment taking effect on or  
19       after that date.

20           (2) **INTERIM AUTHORITIES.**—In connection with  
21       any pay adjustment taking effect under section  
22       732(c)(3) or 733(a)(3)(B) of title 31, United States  
23       Code, before October 1, 2005, the Comptroller Gen-  
24       eral may by regulation—

1 (A) provide that such adjustment not be  
2 applied in the case of any officer or employee  
3 whose performance is not at a satisfactory level,  
4 as determined by the Comptroller General for  
5 purposes of such adjustment; and

6 (B) provide that such adjustment be re-  
7 duced if and to the extent necessary because of  
8 extraordinary economic conditions or serious  
9 budget constraints.

10 (3) ADDITIONAL AUTHORITY.—

11 (A) IN GENERAL.—The Comptroller Gen-  
12 eral may by regulation delay the effective date  
13 of section 3 of this Act and the amendments  
14 made by that section for groups of officers and  
15 employees that the Comptroller General con-  
16 siders appropriate.

17 (B) INTERIM AUTHORITIES.—If the Comp-  
18 troller General provides for a delayed effective  
19 date under subparagraph (A) with respect to  
20 any group of officers or employees, paragraph  
21 (2) shall, for purposes of such group, be applied  
22 by substituting such date for “October 1,  
23 2005”.

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